

## REMARKS

This submission is in response to the Office Action dated June 9, 2008.

Claims 1, 2, 9, 16, and 19 have been amended. Support for the amendments is found in the specification, drawings, and claims as originally filed. Applicants respectfully submit, therefore, that no new matter has been added.

### **Claims 1 – 4, 6, 9, 10 and 16 - 18 are Allowable**

Claims 1- 4, 6, 9, 10 and 16 – 18 were rejected pursuant to 35 U.S.C. § 103(a), as being unpatentable over Applicants’ alleged Admitted Prior Art (“AAPA”) in view of Armstrong (U.S. Pub. No. 2003/0231206) (hereinafter “Armstrong”).

The cited portions of AAPA and Armstrong fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of AAPA and Armstrong, separately or in combination, fail to disclose or suggest inquiring, from a remote location, a status of an upper-layer communication indicator, the upper-layer communication indicator displayed at a customer premise equipment (CPE) device, wherein the status is observable by a visual inspection of the indicator by an end-user, as in claim 1. The Office asserts this feature is taught by page 9, paragraph 1035 of AAPA. See Office Action page 2, paragraph 4 – page 3, paragraph 1. However, in contrast to claim 1, the cited portions of AAPA disclose that high-level communications are often terminated internally to the transceiver, without indicating to the end-user if the communications were successful or not. The cited portions of AAPA further disclose that in such systems determining communications status may require opening a web browser on a connect computer, logging in to the transceiver, and viewing communication status information via a graphical user interface (GUI). The indicator is not displayed at the transceiver, but through a GUI of a connect computer. Thus, the cited portions of AAPA merely describe certain transceiver interface disadvantages.

Armstrong is directed to a user interface of a communications device which returns a webpage if the communication device is not connected or the communication device is already in

use. The web page is generated locally within the communication device. See Armstrong, Summary. The cited portions of Armstrong fail to disclose or suggest inquiring, from a remote location, a status of an upper-layer communication indicator, the upper-layer communication indicator displayed at a customer premise equipment (CPE) device, wherein the status is observable by a visual inspection of the indicator by an end-user, as recited in claim 1. Therefore, claim 1 is allowable. Claims 2 - 8 depend from claim 1, which Applicants have shown to be allowable. Accordingly, claims 2 - 8 are also allowable, at least by virtue of their dependence from claim 1.

### **Claim 9**

The cited portions of AAPA and Armstrong fail to disclose or suggest the specific combination of claim 9. For example, the cited portions of AAPA and Armstrong, separately or in combination, fail to disclose or suggest a transceiver positioned at the local location having a connection port configured to communicate data signals from the computer to a remotely located service provider device, the transceiver having a first status indicator configured for visual inspection by an end-user to communicate at least a layer 3 or above communication status between the computer and the service provider device, as in claim 9. As discussed above, the cited portions of AAPA disclose an indicator displayed through a GUI of a connect computer. The cited portions of AAPA do not disclose or suggest the transceiver having a first status indicator configured for visual inspection by an end-user to communicate at least a layer 3 or above communication status.

Further, as discussed above, the cited portions of Armstrong do not disclose or suggest a transceiver positioned at the local location having a connection port configured to communicate data signals from the computer to a remotely located service provider device, the transceiver having a first status indicator configured for visual inspection by an end-user to communicate at least a layer 3 or above communication status between the computer and the service provider device, as in claim 9. Therefore, claim 9 is allowable.

Claims 10 - 15 depend from claim 9, which Applicants have shown to be allowable. Accordingly, claims 10 - 15 are also allowable, at least by virtue of their dependence from claim 9.

**Claim 16**

The cited portions of AAPA and Armstrong fail to disclose or suggest the specific combination of claim 16. For example, the cited portions of AAPA and Armstrong, separately or in combination, fail to disclose or suggest inquiring, from the remote service terminal, a status of a visual upper-layer communication indicator, the upper-layer communication indicator displayed at a customer premise equipment (CPE) device and associated with a digital subscriber line (DSL) terminating at the DSL connection of the end-user computer at the local site; wherein the status is observable by a visual inspection of the indicator by an end-user, as in claim 16. As discussed above, the cited portions of AAPA disclose the indicator displayed through a GUI of a connect computer. The cited portions of AAPA do not disclose or suggest an upper-layer communication indicator displayed at a CPE device wherein the status is observable by visual inspection of the indicator by an end-user.

Further, as discussed above, the cited portions of Armstrong do not disclose or suggest an upper-layer communication indicator displayed at a CPE device wherein the status is observable by visual inspection of the indicator by an end-user, as in claim 16. Therefore, claim 16 is allowable.

Claims 17 - 19 depend from claim 16, which Applicants have shown to be allowable. Accordingly, claims 17 - 19 are also allowable, at least by virtue of their dependence from claim 16.

**Claim 5 is Allowable**

Claim 5 was rejected pursuant to 35 U.S.C. § 103(a), as being unpatentable over AAPA in view of Armstrong and further in view of Cerami (U.S. Patent No. 6,981,039 B2) (hereinafter "Cerami").

Claim 5 depends from claim 1. As discussed above, the cited portions of AAPA and Armstrong fail to disclose or suggest the specific combination of claim 1. The cited portions of Cerami, likewise, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Cerami, likewise, fail to disclose or suggest inquiring, from a remote

location, a status of an upper-layer communication indicator, the upper-layer communication indicator displayed at a customer premise equipment (CPE) device, wherein the status is observable by a visual inspection of the indicator by an end-user, as in claim 1. Therefore, claim 5 is allowable at least by virtue of its dependence from claim 1. Further, as discussed in the previous response, the cited portions of Cerami offer no motivation or suggestion of an end user performing a visual inspection of a communication indicator to observe the status of upper-layer communications, since the fault management system disclosed by Cerami attempts to automatically detect and resolve problems. See Cerami, col. 5, lines 22-25. Thus, the teachings of Cerami are contrary to the cited portions of AAPA and the combination thereof is not obvious. Therefore, claim 5 is allowable for this additional reason.

**CONCLUSION**

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action.

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

  
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